

Remarks: This transmittal is presented in response to the first office action and is believed to completely resolve each issue as raised by the examiner by the examiner. Applicant believes the claims as amended to be non-obvious and patentably distinct from all prior art.

In claim, 1 the structural relationship between the "automated bubble producing device" and the liquid emitting device" has been defined by replacing "combined with" with "connected to". In claim 3, the indefiniteness of a "continuous water source" has been replaced with a "pressurized water container". In claim 4, the indefiniteness of how the "liquid emitting device defines a hydraulic motor" has been defined by defining the hydraulic motor as a hydraulic motor "having at least one liquid emission port". In claim 5, the indefiniteness of "actuatingly connected" has been further defined by adding the additional definition of "such that a predetermined movement of said hydraulic motor imparts a corresponding movement to said bubble producing device". In claim 8, the indefinite "non liquid submerged bubble creation apparatus" has been redefined to eliminate "non liquid submerged". In claim 10, the indefiniteness of a "continuous water source" has been replaced with a "pressurized water container". In claim 14, the indefinite "non liquid submerged bubble creation apparatus" has been redefined to eliminate "non liquid submerged" and the indefiniteness of a "continuous water source" has been replaced with a "pressurized water container". In claim 15, the indefiniteness of a "continuous water source" has been replaced with a "pressurized water container". In claim 20, the indefinite "non liquid submerged bubble creation apparatus" has been redefined to eliminate "non liquid submerged" and the indefiniteness of a "continuous water source" has been replaced with a "pressurized water container".

In regards to claim 1 being rejected over D'Andrade, the further specificity of applicant's claimed invention as emitting "non-bubble" liquid is believed to distinguish over D'Andrade. The only emission of liquid that the D'Andrade invention taught was in the form of bubbles as opposed to applicant's invention which teaches the emission of streams of water. Thus applicants "non-bubble" liquid is believed to be distinct from D'Andrade's bubbles.

In regards to claims 1-5, 8-11, 14-17, and 20 being rejected over Henkin, the further specificity of applicant's claimed bubble producing device as being a "non-cavitation" bubble producing device is believed to distinguish over Henkin. While the Henkin invention does disclose a device that emits a flow of water and bubbles such as the cavitation shown in figure 1, the Henkin device is neither capable of nor teaches the emission of bubbles other than "cavitation" bubbles. Henkin's "cavitation" bubbles, which require the hand-held hydro massager device to be submerged in water or the like liquid in order to be produced, are merely "cavities" or voids in an otherwise continuous liquid. Thus Henkin's "cavitation" bubbles are far removed from applicant's claimed "non-cavitation" bubbles which are spherical volumes of space such as air enclosed within a thin film of liquid. Henkin's "cavitation" bubbles are "negative" bubbles whereas applicant's "non-cavitation" bubbles are positive bubbles. Thus applicants "non-cavitation" bubble producing device is believed to be distinct from Henkin's "hand-held hydro massager device".

In order to overcome the provisional rejection of claims 1-20 under the doctrine of double patenting, applicant, pursuant to 37 CFR § 1.321(c) and 37 CFR § 3.73(b), hereby files a terminal disclaimer. Applicant also hereby includes a reference copy of a co-filed "Response to Notice of Draftsperson's Patent Drawing Review".

DATE: August 17, 1998

Respectfully submitted,



Michael R. Schramm